

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

FILED
2008 FEB 15 AM 11:52
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILING

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR HERNANDEZ-ORTIZ,

Defendant.

CR No 08 00080

VIOLATION: 8 U.S.C. § 1326 –
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

INFORMATION

The United States charges:

On or about November 7, 2007, the defendant

HECTOR HERNANDEZ-ORTIZ,

an alien, previously having been arrested and deported from the United States on or about September 17, 2001 and December 14, 2001, was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a re-application by the defendant for admission into the United States, in violation

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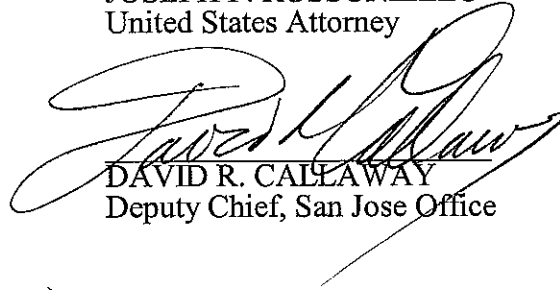
PLEA AGREEMENT
CR CASE #

1 of Title 8, United States Code, Section 1326.

2 DATED: 2/8/08

JOSEPH P. RUSSONIELLO
United States Attorney

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DAVID R. CALLAWAY
Deputy Chief, San Jose Office

(Approved as to form.)



AUSA SCHENK

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**8 U.S.C. Section 1326 -
ILLEGAL REENTRY

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:
 20 years imprisonment
 \$250,000 fine
 3 years Supervised Release
 \$100 special assessment
PROCEEDINGName of Complainant Agency, or Person (& Title, if any)
IMMIGRATION AND CUSTOMS ENFORCEMENT

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

- ☐
- this prosecution relates to a pending case involving this same defendant

- ☒
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW
DOCKET NO.MAGISTRATE
CASE NO.

07-70753 PVT

Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

JEFFREY B. SCHENK

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

HECTOR HERNANDEZ-ORTIZ

DISTRICT COURT NUMBER

 FILED
 2008 FEB 15 A 11:52
 RICHARD W. WIEKING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CALIF. S.D.
DEFENDANT**IS NOT IN CUSTODY**

- 1)
- ☐
- Has not been arrested, pending outcome this proceeding.
-
- If not detained give date any prior summons was served on above charges

- 2)
- ☐
- Is a Fugitive

- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☒
- On this charge
-
- 5)
- ☐
- On another conviction
-
- 6)
- ☐
- Awaiting trial on other charges }
- ☐
- Fed'l
- ☐
- State

If answer to (6) is "Yes", show name of Institution

Has detainer
been filed?
☐ Yes
☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: